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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,983	12/06/2001	Christopher M. Benson	9902	9424

26884 7590 08/08/2006

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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

In view of the Appeal Brief filed on 5/19/06, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

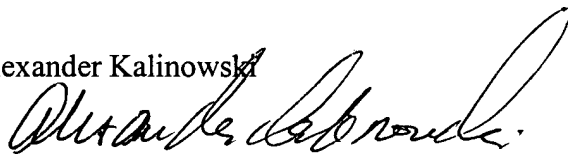
To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Alexander Kalinowski

A handwritten signature in black ink, appearing to read "Alexander Kalinowski", written over the printed name.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman et al. in view of Fernandes et al.

Freedman et al. teaches a scheduler for a multiple computer system. Within the background of the invention Freedman et al. teaches a master-slave concept in which several computers are coordinated through a master control. The master designates which tasks are executed by the individual computers (operating a control processor to subdivide a bulk data set into subdivisions of data; operating the control processor to send the subdivisions of data to a plurality of processors connected to the control processors via network; and operating the processors of the plurality of terminals to process the data) (column 1; lines 38-44).

Freedman et al. further teaches a task selection on each computer is performed by a Scheduler on a priority basis. When a given computer needs to select a task (is substantially idle; claim 3) the computer scans the task status information. Examiner notes that this teaching is consistent with interrupting the data processing, if a computer needs to process a transaction that has higher priority (claim 5).

The system of Freedman et al. does not specifically teach that the network of terminals as point-of-sale terminals. Fernandes et al. teaches retail operations utilize a plurality of point-of-

Art Unit: 3627

sale terminals coupled to a central computer. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Freedman et al. by further specifying that the network of terminals be point-of-sale terminals, in order for retail operations to leverage their existing hardware when performing large computing tasks.

Examiner notes that the rejection presented above, with respect to claims 1-5 is the same rejection presented in the Office Actions mailed 12/5/03 and 6/2/04. Further, since this rejection (i.e. claims 1-5 under 35 U.S.C. 103(a) as being unpatentable over Freedman et al. in view of Fernandes et al.) was withdrawn from consideration in the Appeal Brief submitted 2/10/05, Applicant has acquiesced this rejections (see MPEP 1207).

Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Balderrama.

Ellis teaches a commercial distributed processing by personal computers over the Internet.

With respect to **claim 6**, Ellis teaches a plurality of personal computer terminals connected to each other by a network for processing data in a first mode of operation and for analyzing portions of bulk data in a second mode of operation (see for example column 4, lines 41-65 and column 8, lines 38-62). Examiner notes here that Ellis teaches these personal computers can be any micro-processor based computer.

With further respect to **claim 6**, Ellis teaches a server connected to the personal computer terminals by the network including a control processor for dividing the bulk data into the

Art Unit: 3627

portions, for assigning the portions to the personal computer terminals, for placing the personal computer terminals in the second mode of operation, for receiving results of the bulk data analysis from the personal computer terminals (column 4, lines 57-58, column 12, lines 28-32; column 13, lines 5-7; and the paragraph bridging columns 15 and 16).

Examiner notes that the cited portions of Ellis are specifically geared towards the a search which is broken up, distributed and then received back. However, Examiner notes the other portions of Ellis which teach using this same processes for analysis such as weather and research models.

With respect to **claim 6**, Ellis teaches all the claimed limitations (as discussed above) except where the personal computer terminals are point of sale machines nor where the data is specifically customer history data. Examiner once again points out that Ellis teaches the use of personal computers which can be any micro-processor based computer. However, Ellis never explicitly mentions point of sale computers.

Balderrama teaches the clustering of point of sale terminals each of which are microprocessor based in order to collect customer history data pertaining to inventory levels, revenues, sales, purchase trends, etc. (see for example column 4, lines 35-56).

It would have been obvious to one of ordinary skill in the art at the time of the present invention to modify the personal computer terminals of Ellis to be POS terminals as taught by Ellis in order to collect data pertaining to inventory levels, revenues, sales, purchase trends, etc.

With respect to **claim 6**, Ellis further fails to teach performing trend analysis on the results. Balderrama teaches collecting data and then analyzing the data (see for example column 4, lines 51-55). Examiner notes that this data is analyzed in order to identify potential areas for improvement.

It would have been obvious to one of ordinary skill in the art to modify the teaching of Ellis to include analyzing data after it is received back from the external parallel processing as taught by Ellis in order to identify potential areas for improvement.

With respect to **claim 7**, Ellis teaches the control processor additionally determines whether the personal computer terminals are idle before placing them in the second mode of operation (see for example column 11, lines 24-52).

With respect to **claim 8**, Ellis teaches wherein the personal computer terminals suspend data analysis if the personal computer is made non-idle (see for example column 11, lines 36-52).

As pointed out with respect to claim 6, Ellis does not teach a POS machine. However, the combination of Ellis in view of Balderrama does. Based on this combination, Examiner notes that detecting “an application being opened in the first PC, when the device would signal the network compute such as server 2 that the PC is no longer available” would be recognized by one of ordinary skill in the art to be a user utilizing the POS (of the combination of Ellis and Balderrama) to process a transaction, as processing transaction is primary purpose of a POS terminal.

As such it is the position of the Examiner that the combination of Ellis and Balderrama teaches wherein the POS terminals suspend customer history data analysis of the second mode operation to process the transaction of the first mode of operation.

With respect to claim 9, Ellis teaches wherein the control processor transfers the portions of the bulk customer history data from the first personal computer terminal operating in first mode of operation to second personal computer terminals operating in the second mode of operation (see for example column 20, lines 8-32).

Examiner notes that the cited portions of Ellis represents the ability to shift computing resources from personal computers which are being utilized to personal computers which are idle. Further, while the methodology of the example in Ellis is directed to night time versus day time it applies equally to any situation where one computer is idle and another being utilized.

Once again, as pointed out with respect to claim 6, Ellis does not teach a POS terminal. However, the combination of Ellis in view of Balderrama does. Based on this combination, Examiner takes the position that the combination of Ellis and Balderrama teaches “wherein the control processor transfers the portions of the bulk customer history data from the first point-of-sale terminals operating in the first mode of operation to second point-of-sale terminals operating in the second mode of operation.

Examiner notes that claim 10 is substantially similar to claim 6 and therefore rejected under the same analysis.

Art Unit: 3627

Further claims 11, 12 and 13 are substantially similar to 7, 8 and 9 and are therefore rejected under the same analysis.

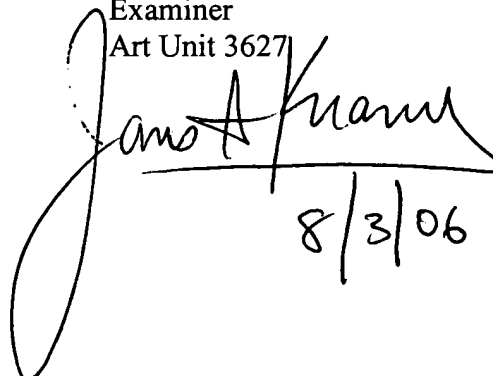
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jak
8/3/06

James A. Kramer
Examiner
Art Unit 3627

8/3/06